

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN DOE and JANE DOE, Individually and on behalf :

of M.S. an Infant, as Next Friends, :

Plaintiffs, :

-v- :

ANTHONY ANNUCCI, Acting Commissioner of the :

New York State Department of Corrections and :

Community Supervision; TINA STANFORD, :

Chairwoman of the New York State Board of Parole; :

WILLIAM HOGAN, Regional Director of New York :

State Department of Corrections and Community :

Supervision; JOSEPH LIMA, Bureau Chief of the :

Manhattan VI Area Office of the New York State :

Division of Parole; TERRENCE X. TRACY, Counsel for :

the Board of Parole; Parole Officer EMILY SCOTT; :

Parole Officer SIMON VALERIO; Parole Officer :

REBECCA RODRIGUEZ; Parole Officer RENNIE :

RODRIGUEZ; Senior Parole Officer RICHARD :

ROSADO; Parole Officer MILZA MERCEDES, :

Defendants. :

14 Civ. 2953 (PAE)

ORDER

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PAUL A. ENGELMAYER, District Judge:

On July 2, 2014, the Court set a deadline of August 21, 2014 for plaintiffs to respond to the motions to dismiss filed by certain defendants. Dkt. 77. Plaintiffs' response may take the form either of an opposition or an amended Complaint.

At this point, defendants Anthony Annucci, Tina Stanford, Terrence Tracy, William Hogan, Joseph Lima, Milza Mercedes, Rebecca Rodriguez, Rennie Rodriguez, and Simon Valerio have filed motions to dismiss. *See* Dkt. 73, 82, 86. Defendant Richard Rosado has filed

an answer, Dkt. 68, and defendant Emily Scott is due to submit an answer or a motion to dismiss by August 14, 2014. *See* Dkt. 90.

On July 31, 2014, plaintiffs, by letter, asked that the deadline to either oppose the pending motions to dismiss or to amend their Complaint be extended from August 21, 2014 to September 10, 2014. Dkt. 91. As justification, plaintiffs rely on the fact that a settlement conference is now scheduled to take place before Magistrate Judge James L. Cott on August 20, 2014. *See* Dkt. 80 (July 18, 2014 order scheduling settlement conference).

The Court agrees that it would be inefficient for plaintiffs' deadline to remain one day after the settlement conference; however, the Court disagrees that the deadline needs to be extended by almost three weeks. Accordingly, the Court extends the deadline for plaintiffs to either oppose defendants' motions to dismiss, or to file an amended Complaint, by one week to August 28, 2014. Plaintiffs will not be given any further opportunity to amend their Complaint.

If plaintiffs do amend their Complaint, defendants shall, by September 11, 2014: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss. Plaintiffs will then submit their opposition to any motions to dismiss by September 25, 2014, and defendants will submit their replies, if any, by October 2, 2014.

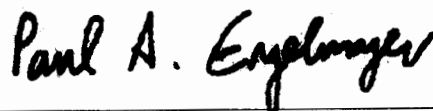
If plaintiffs do not wish to file an amended Complaint, they will submit their opposition to any motion to dismiss by August 28, 2014. Defendants will then submit their replies, if any, by September 11, 2014.

At the time any reply is served, defendants shall supply the Court with two courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York.

Separately, on August 1, 2014, defendant Rosado submitted a letter to the Court, requesting an extension of time to submit a motion to dismiss. Dkt. 92. As noted above, Rosado has already submitted a timely Answer. Dkt. 68. In the event plaintiffs' file an Amended Complaint, Rosado will have an opportunity then to move to dismiss the Amended Complaint on the schedule set forth above. Alternatively, if Rosado wishes to move to dismiss the original Complaint, he will do so by August 14, 2014, which is the same deadline previously set for defendant Scott.

The Clerk of Court is directed to terminate the motions pending at docket numbers 91 and 92.

SO ORDERED.

A handwritten signature in black ink that reads "Paul A. Engelmayer". The signature is written in a cursive, slightly slanted style.

PAUL A. ENGELMAYER
United States District Judge

Dated: August 5, 2014
New York, New York